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Attorneys for Defendant Databricks, Inc.

12
13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **OAKLAND DIVISION**
16

17 CLOUDERA, INC.,	)	CASE NO.: 4:21-cv-01217-HSG
)	
18 Plaintiff,	)	ADMINISTRATE MOTION
	)	TO COMBINE THE (1) MAY CASE
19	)	MANAGEMENT CONFERENCE AND
	)	(2) JUNE DISPOSITIVE MOTION
20 v.	)	HEARING
)	
21 DATABRICKS, INC.,)	
)	
22 Defendant.	)	Hon. Haywood S. Gilliam, Jr.
)	
23	)	CTRM: Oakland Courthouse, Courtroom 2 –
24	)	4th Floor
)	
25)	

1 Pursuant to Civil L.R. 7-11, Defendant Databricks, Inc. (“Databricks”) respectfully requests
2 that the Court continue the Case Management Conference, currently scheduled for May 25, 2021, to
3 be conducted on the same day as the June 24, 2021 hearing on Databricks’s Motion to Dismiss the
4 Amended Complaint (ECF No. 57) and Motion to Stay Pending Arbitration (ECF No. 26).
5 Databricks respectfully submits that it would be most efficient for the Court and the parties to appear
6 one time for a consolidated hearing.

7 1. On February 19, 2021, this action was transferred to this Court from the Northern
8 District of Georgia.

9 2. Shortly thereafter, on February 24, 2021, the Court scheduled a Case Management
10 Conference for May 25, 2021. (ECF No. 66.)

11 3. Databricks has filed two threshold procedural motions, one seeking dismissal of this
12 action in its entirety (ECF No. 57) and one seeking to stay this action pending the resolution of an
13 ongoing arbitration proceeding (ECF No. 26). After the Case Management Conference was
14 scheduled, the parties stipulated to briefing schedules for Databricks’s two procedural motions.
15 (ECF Nos. 70, 75, 80, 81.) Both of those motions are noticed for hearing before this Court on June
16 24, 2021. (ECF No. 71, 72.) Those procedural motions will not be fully briefed before the Case
17 Management Conference.

18 4. Databricks respectfully requests that the Court schedule one consolidated appearance
19 and hold the Case Management Conference on the same day as the motion hearing on Databricks’s
20 motion to dismiss and motion to stay. Conducting separate court appearances on these topics only a
21 few weeks apart is particularly inefficient here because both motions raise threshold issues affecting
22 the nature, scope and timing of discovery needed in this case. *First*, Databricks has filed a motion to
23 dismiss that is dispositive of the entire case, potentially obviating the need for any discovery at all or
24 a significantly narrowed scope of discovery if any claims survive. *Second*, Databricks has moved to
25 stay this action, including any discovery, until the resolution of the pending JAMS arbitration. No
26 party will be prejudiced by a short continuance of the current Case Management Conference.

27 5. Pursuant to Civil Local Rule 7-11(a), on May 3, 2021, counsel for Databricks met and
28 conferred with Cloudera’s counsel and requested that Cloudera agree to continue the Case

1 Management Conference until June 24, 2021, the date of the hearing on the pending motions to
2 dismiss and to stay. (Clark Decl. ¶ 3.) Cloudera's counsel declined to agree. (*Id.* ¶ 4.)

3
4 DATED: May 4, 2021

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

5 By: /s/ Christopher G. Clark
6 Christopher G. Clark
7 Attorneys for Defendant Databricks, Inc
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17 Attorneys for Defendant Databricks, Inc.

18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**
20 **OAKLAND DIVISION**

21 CLOUDERA, INC.,

22 Plaintiff,

23 v.

24 DATABRICKS, INC.,

25 Defendant.

26 CASE NO.: 4:21-cv-01217-HSG

27 **DECLARATION OF**
28 **CHRISTOPHER G. CLARK IN**
SUPPORT OF DEFENDANT'S
ADMINISTRATIVE MOTION TO
COMBINE THE (1) MAY CASE
MANAGEMENT CONFERENCE
AND (2) JUNE DISPOSITIVE
MOTION HEARING

Hon. Haywood S. Gilliam, Jr.

CTRM: Oakland Courthouse, Courtroom
2 – 4th Floor

1 I, Christopher G. Clark, hereby declare and state as follows:

2 1. I am an attorney at the law firm of Skadden, Arps, Slate, Meagher & Flom LLP,
3 attorneys for Defendant Databricks, Inc. ("Databricks"). I am an attorney licensed to practice law in
4 Massachusetts and admitted *pro hac vice* before this Court. Unless otherwise stated, I have personal
5 knowledge of the facts stated below and, if called upon as a witness, I could and would competently
6 testify to the following facts.

7 2. Pursuant to Civil L.R. 7-11, I submit this declaration in support of Databricks's
8 Administrative Motion to Combine the (1) May Case Management States and (2) June Dispositive
9 Motion Hearing.

10 3. On May 3, 2021, counsel for Databricks contacted counsel for Cloudera asking
11 Cloudera to join a motion to continue the case management conference until June 24, 2021.

12 4. Cloudera's counsel declined to join the motion.
13

14 I declare under penalty of perjury under the laws of the United States of America that the
15 foregoing is true and correct.

16 Executed this 4th day of May, 2021 at Boston, MA.

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13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **OAKLAND DIVISION**
16

17	CLOUDERA, INC.,	)	CASE NO.: 4:21-cv-01217-HSG
18)	
19	Plaintiff,	)	ORDER GRANTING DEFENDANT
20		)	DATABRICKS'S ADMINISTRATIVE
21	v.	)	MOTION
22	DATABRICKS, INC.,	)	TO COMBINE THE (1) MAY CASE
23		)	MANAGEMENT CONFERENCE AND
24	Defendant.	)	(2) JUNE DISPOSITIVE MOTION
25		)	HEARING
26		)	Hon. Haywood S. Gilliam, Jr.
27)	
28		)	CTRM: Oakland Courthouse, Courtroom 2 –
		)	4th Floor
)	

1
2 Having considered Defendant Databricks, Inc.'s Administrative Motion to Combine the (1)
3 May Case Management Conference and (2) June Dispositive Motion Hearing, and any opposition
4 thereto,

5
6 IT IS HEREBY ORDERED that Defendant Databricks, Inc.'s Administrative Motion is
7 GRANTED. The case management conference currently scheduled for May 25, 2021, shall be
8 continued to the already scheduled hearing for Defendant Databricks, Inc.'s Motion to Dismiss the
9 Amended Complaint and Motion to Stay Pending Arbitration on June 24, 2021, at 2:00 p.m.

10
11 DATED: May 5, 2021

12
13 
14 Hon. Haywood S. Gilliam, Jr.
United States District Judge